

REMARKS

Claims 1-10 and 12-24 of the application stand rejected in the Office Action dated October 17, 2007. Applicants thank the Examiner for clarifying during a short telephone conference on January 15, 2008, that the Office Action inadvertently refers to Claims 1-10 and 12-24 when in actual fact the pending claims are Claims 1, 2, 4-10 and 12-24 (Claims 3 and 11 were previously canceled in the Response dated September 13, 2007). Applicants' response herein is therefore directed to pending Claims 1, 2, 4-10 and 12-24.

Claim 9 has been amended herein to correct its dependency. Applicants respectfully request reconsideration of pending Claims 1, 2, 4-10 and 12-24 in light of the amendments and remarks herein.

35 U.S.C. §103

1, 2, 4-10 and 12-24 stand rejected under 35 U.S.C. §102(b) as being unpatentable over Bork, et al. (U.S. Patent No. 6,954,657, hereafter "Bork") in view of O'Neil, et al. (U.S. Publication 2004/0224693, hereafter "O'Neil"). Applicants respectfully traverse the rejections.

The Examiner suggests that various sections of Bork teach or suggest each of the claimed elements, with the exception of schedule information as one of the inputs into the alerting system. Applicants strongly disagree. Applicants respectfully submit that Bork does not teach or suggest various elements of the claimed invention, in addition to the use of schedule information.

Bork is directed to a wireless communication device having intelligent alerting system (Bork, Title). Based on Applicants' perusal of Bork, the reference appears to describe a system that is merely sensitive to its environment, resembling the prior art schemes described in the Specification, Paragraph 9.

"Although there are laptop devices that may automatically adjust a computer monitor's backlight based on the ambient light surrounding the device, these devices do not have the ability to combine this physical context information with any other type of context information, and to further use the combined context information to alter the device's notification behavior. Similarly, there are devices that scroll images and/or text up and down when the device is tilted in either direction, but the devices are not "user context aware", i.e., the devices behave the same for all users."

Applicants respectfully disagree with the Examiner that Bork is utilizing “user context information” as claimed herein. “User context information” as used in the claims includes a user’s physical information, user-location information AND schedule information. The Examiner makes no such showing of “user context information” and instead focuses solely on the physical and environmental information discussed in Bork. The Examiner glosses over this initially but later concedes that Bork does in fact fail to disclose the schedule information. The Examiner suggests, however, that O’Neil discloses this element and the combination of these two references renders Claims 1, 2, 4-10 and 12-24 unpatentable. Applicants strongly disagree.

Applicants respectfully submit that the combination of O’Neil with Bork does not render the claimed invention unpatentable. Once again, Applicants respectfully reiterate that the crux of the present invention is the incorporation of user-specific information together with environmental information to determine what action to take on any device. The same device may thus behave differently for different users because the users’ schedules may differ. Thus, while Applicants concede that Bork does in fact make reference to adjustments based purely on surrounding environmental factors, it makes no attempt to utilize any personalized user schedule information to customize that information. Bork therefore resembles the prior art scheme in the Specification in Paragraph 9 wherein the “devices behave the same for all users”.

Similarly, while Applicants concede that O’Neil describes the concept of notifying a user of appointments, meetings, etc., there is no attempt to utilize this information within any larger scheme to customize the mobile device behavior for the user. Thus, the combination of Bork with O’Neil does not in fact teach each and every element of the claimed invention. Even if combined, on its face, the combination of Bork with O’Neil simply suggests that the device may receive schedule information. Nothing whatsoever in either reference teaches or suggests combining this information together with the user’s physical information and user-location information to generate user context information, and to then utilize the user context information to determine what action to take. The schemes described in the references simply do not contemplate a personalized user experience on each device.

In summary, Applicants respectfully submit that Claims 1, 2, 4-10 and 12-24 are patentable over Bork and/or O'Neil. Applicants therefore respectfully request the Examiner to withdraw the 35 U.S.C. §103 rejections to these claims.

CONCLUSION

Based on the foregoing, Applicants respectfully submit that the applicable objections and rejections have been overcome and that pending Claims 1, 2, 4-10 and 12-24 are in condition for allowance. Applicants therefore respectfully request an early issuance of a Notice of Allowance in this case. If the Examiner has any remaining questions, he is encouraged to contact the undersigned at (714) 730-8225.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

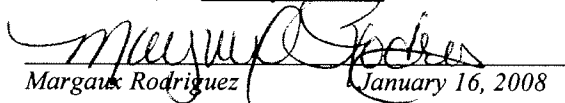
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/Sharmini N. Green, Reg. No: 41,410/
Sharmini N. Green
Senior Attorney
Intel Corporation
Registration No. 41,410
(714) 730-8225

1279 Oakmead Parkway
Sunnyvale, California 94085-4040
(310) 207-3800

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I hereby certify that this paper is being transmitted online via EFS Web to the Patent and Trademark Office, Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450, on January 16, 2008.


Margaux Rodriguez January 16, 2008